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U.S. DISTRICT COURT October 11, 2007 DISTRICT OF MASS.

VIA FACSIMILE AND US MAIL

Ms. Lisa Hourihan Clerk, Courtroom 11 Judge Reginald C. Lindsay John Joseph Moakley U.S. Courthouse 1 Courthouse Way Boston, MA 02210

Patrick J. Bannon Partner T. 617.449.6529 F. 617.607.9134 pbannon@mccarter.com

Re: Butterworth v. Weston Racquet Club, Inc. U.S. Dist. Ct. C.A. No. 04-10425-RCL

Dear Ms. Hourihan:

I am writing to report that the parties have reached a settlement of the abovereferenced matter. The parties will file a stipulation of dismissal as soon as the settlement papers can be finalized.

If I can provide any additional information, please let me know.

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